

**Amendments to the Drawings:**

The drawing sheet attached in connection with the above-identified application containing Figure 6 is presented as a new formal drawing sheet to be appended to the previously submitted drawing sheets.

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

New Figure 6 is added herewith.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Applicant respectfully submits that the disclosure of Applicant's application, such as at page 8, line 26 – page 16, line 6 provides support for the amendments to the claims. For example, see page 11, lines 34-38.

After amending the claims as set forth above, claims 1 and 28-49 are now pending in this application.

**Objections to the drawings**

The drawings are objected to for allegedly not showing every feature recited in the claims. Applicant respectfully submits that the amendments to the claims and new figure 6 submitted herewith render the objections moot, specifically those objections recited in paragraphs 2a, and 2d-2e of the Office Action.

With respect to the objection to the drawings at paragraph 2b of the Office Action, Applicant submits that the features requested by the Office are already illustrated in the drawings. For example, Applicant submits that the additional heat exchangers being solely secured to the primary heat exchangers are illustrated in Fig. 1a. Applicant notes that features 3 is a coolant cooler, 4 is a charge air cooler, and 5 is a refrigerant condenser, each of which are types of heat exchangers.

With respect to the objection to the drawings at paragraph 2c of the Office Action, Applicant submits that this feature is shown in Fig. 1b.

**Objections to the claims**

The claims are objected to for allegedly including reference characters which are not enclosed in parenthesis. Applicant submits that the amendments to the claims render these objections moot. Reconsideration and withdrawal of the objection is respectfully requested.

**Rejections Under 35 U.S.C. § 112**

Claims 1-27 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant respectfully submits that the amendments to the claims render these rejections moot. Reconsideration and withdrawal of the rejection is respectfully requested.

**Rejections Under 35 U.S.C. § 102**

Claims 1-14 and 21-27 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by FR2778975 to Mahe (hereafter "Mahe"). This rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally MPEP § 2131.

Mahe discloses a heat exchanger module which shows a fan frame attached to a manifold using a cover 62. The cover 62 is formed over the heat exchanger and bolted into the heat exchanger and at points 54/58 and 56/60. However, Mahe does not disclose a first heat exchanger comprising a tube/rib block, at least one header with holders, and a snap hook, and a fan frame comprising a framework with projections and at least one rib, wherein the holders and the projections are configured to be in operative contact with one another at securing points, the at least one rib is configured to stiffen the framework, and the snap hook passes through one of the projections and engages with the projection, as recited in claim 1. In particular, Mahe's frame is secured to the heat exchanger, in part, by features 54 and 56 which appear to be received at features 58 and 60, respectively. However, none of the features 54, 56, 58, and 60 can be equated with a snap hook that passes through a projection and engages with the projection, as recited in claim 1. Accordingly, Mahe fails to disclose

the claimed the snap hook of claim 1. For at least these reasons, Mahe does not anticipate the claims because Mahe does not disclose all of the features of claim 1.

Claims 2-14 and 21-27 have been canceled, which renders the rejection of these claims moot.

Reconsideration and withdrawal of this rejection is respectfully requested.

**Rejections Under 35 U.S.C. § 103**

Claims 15-20 are rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over Mahe in view of FR2808870 to Gassmann (hereafter “Gassmann”). This rejection is respectfully traversed. Claims 15-20 have been canceled, which renders the rejection of these claims moot.

To the extent that the rejection based on Mahe and Gassmann may be applied to amended claim 1, claim 1 is allowable over Mahe and Gassmann because Gassmann fails to cure the deficiencies Mahe. Gassmann, like Mahe, fails to disclose the claimed the snap hook of claim 1. Gassmann merely discloses clip fixings 31 on the fan frame matched with points 14 of collection chamber 6. While the instant claims recite that the header has a snap hook that passes through one of the projections and engages with the projection, each of Gassmann’s points 14 of the collection chamber 6 are not comparable to a snap hook, and points 14 do not pass through the clip fixings 31. Accordingly Gassmann does not disclose, teach or suggest all of the features of claim 1. Thus, claim 1 is allowable over Mahe and Gassmann.

Additionally, on page 13 of the Office Action, the Office states that “it would have been obvious...to modify the fasteners of Mahe to be snap hooks and insertion orifices as they are art recognized equivalents of securing two objects together. In addition, it would have been obvious to use the fasteners of Gassmann as it allows for easy installation of the fan frame next to the heat exchanger. Applicants respectfully disagree because the Office’s proposed configuration results in an impermissible change in mode of operation of securing Mahe’s fan frame to the heat exchanger.

As noted in MPEP 2143.01(VI), “[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).”

Applicants submit that attachment of Mahe’s fan frame 14 onto the heat exchanger 10 requires a vertical installation, with no hinge feature to allow the fan frame to be swung around the hinges. Gassmans’s configuration, on the other hand, requires horizontal installation that includes a hinge feature, allowing the fan frame to be swung around the hinges.

In other words, Mahe’s fan frame must be lowered such that both of features 54 and 56 are received and held by features 58 and 60 at about the same time and in such a manner that lip 66 of cover 62 is permitted to fit over and around a top of the heat exchanger as shown in Mahe’s Figs 1-2. Mahe’s configuration does not allow feature 54/58 to be used as a hinge. If the fan frame were closed as a hinge, one of feature 54 or 58 would likely bend or break, and/or feature 56 would hit a front face of feature 60 and be prevented from being received in feature 60. Additionally, if the frame of Mahe is closed as a hinge, lip 66 would hit the front face of the heat exchanger and would not freely fit over and around the top surface of the heat exchanger.

In contrast, Gassman’s fan frame must be installed horizontally as shown in Fig. 5. In fact, Gassman states that “[t]he guide plate is attached at one end with tongues (10) that fit in loops (11) fixed to the body to form hinges (27), and closed into place to be held by clip fixings (31) at the other end.”

Consequently, there is no reason to combine Gassman with Mahe, and even if such a combination were made, the result would change the principle of operation of Mahe’s configuration.

Because none of the secondary references resolve the fundamental deficiencies in Mahe, and because there is no reason to combine the references, Applicant submits that the

combination of these references does not properly render independent claim 1 to be obvious over Mahe and Gassmann.

Thus, claim 1 is allowable over Mahe and Gassmann.

For at least these reasons, favorable consideration of the rejection is respectfully requested.

### **New Claims**

New claims 28-49 have been added. Claims 28-49 depend from claim 1 and are allowable over the prior art for at least the reasons discussed above and for their respective additional recitations. Allowance of claims 28-49 is respectfully requested.

### **Conclusion**

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 8/24/2010

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 295-618  
Facsimile: (202) 672-5399

By Matthew J. Kremer (Reg. No. 58,671)  
MATTHEW J. KREMER  
For Matthew A. Smith  
Attorney for Applicant  
Registration No. 49,003